

Atty Dkt. No.: CLON-060
USSN: 09/960,716

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1, and 3-19, the only claims pending and currently under examination in this application.

Claim 1 has been amended to incorporate the limitation of Claim 2 and to remove the limitation of the sensitivity of the assay. Claim 3 has been amended to change its dependency from Claim 2 to Claim 1. Claim 13 has been amended to be consistent with the amendments to Claim 1. Claims 2 and 45 have been canceled.

The Examiner is thanked for the indication of the subject matter of Claims 2-5 and 13-16 as allowable over the art if written in independent form.

Claims 1, 6-12, 17, 18 and 45 are rejected under 35 U.S.C. § 102(b) as being anticipated by 6,207,369.

Solely in order to expedite the prosecution of this application, the Applicants have amended Claim 1 to incorporate the limitation of Claim 2. The Examiner has stated that this action places Claim 1 in condition for allowance. In addition, the Applicants have removed the limitation that the sensitivity of the assay is at least 10pg/ml when the analyte is directly fluorescently labeled. Claims 6-12, 17, and 18 depend either directly or indirectly from allowable Claim 1. Claim 45 has been canceled.

The Applicants reserve the right to pursue the elements of the amended and/or the canceled claims in a continuing application.

Because Claims 1, 6-12, 17 and 18 are now allowable, the Applicants respectfully request withdrawal of this rejection.

Claim 19 has been rejected under 35 U.S.C. § 103 (a) over 6,207,369 in view of 3,791,933.

Because Claim 19 depends from currently amended Claim 1, which the Examiner has stated is allowable, the Applicants respectfully request withdrawal of this rejection.

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CONCLUSION

In view of the amendments and remarks above, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number CLON-060.

Respectfully submitted,

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